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SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/524,621	6/1/05	KOJI OGATA, ET AL.	000028107

Title: **ANTI- ALUMINA-BUILDUP REFRACTORIES FOR
CASTING NOZZLES**

Art Unit	Paper Number
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Correspondence Address:

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Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 534,726

Grant Date: 15-Jun-05

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the date(s) and the country(s) indicated
on the attached decision.**

Approved:


for Commissioner of Patents and Trademark

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such application or applications.

This license does not empower the filing of any applications, amendments, supplements or continuances originating in this country which disclose inventions, modifications, or variations not disclosed in the subject matter identified above.

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LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231
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Frank J. Jordan
Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

In re: OGATA et al : DECISION ON REQUEST
Serial No.: 10/524,621 : UNDER 37 CFR 5.25
Filing date: March 17, 2005
Docket No: 000028107

Title: ANTI-ALUMINA-BUILDUP REFRACTORIES FOR CASTING NOZZLES

This is a decision on the petition filed on June 1, 2005 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R. 5.11 through error and without deceptive intent.

Country

Date

JAPAN	August 20, 2002
KOREA	February 16, 2005
CHINA	February 18, 2005
MEXICO	February 18, 2005
BRAZIL	February 18, 2005
EUROPE	March 17, 2005
INDIA	March 17, 2005

Ian J. Lobo
Patent Examiner
(571) 272-6974

Docket No. F-8591

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
Filed : March 17, 2005
For : ANTI-ALUMINA-BUILDUP REFRACTORIES FOR
CASTING NOZZLES
Group Art Unit : (Not yet known)
Examiner : (Not yet known)
Confirmation No. : (Not yet known)
Customer No. : 000028107

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on May 26, 2005.

Frank J. Jordan
(Name)

(Signature)

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Attention Licensing and Review
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR RETROACTIVE FOREIGN FILING
LICENSE UNDER 35 U.S.C. § 184**

Sir:

As permitted by 35 U.S.C. § 184 and delineated by 37 C.F.R. § 5.25, Applicants hereby submit a petition for a retroactive foreign filing license for the subject matter contained in the following U.S. Patent Application:

U.S. Patent Application No.: 10/524,621

Filing date: March 17, 2005

Inventors: Koji Ogata and Donald B. Hoover

Title: Anti-Alumina-Buildup Refractories for Casting Nozzles

Please find below the listing of foreign countries in which patent applications containing the subject matter of the above-identified U.S. patent application were filed and the corresponding dates of the filings¹.

<u>Country/Region</u>	<u>Filing Date</u>
Japan	August 20, 2002
Korea	February 16, 2005
China	February 18, 2005
Mexico	February 18, 2005
Brazil	February 18, 2005

¹ 37 C.F.R. § 5.25 requires a listing of each of the "foreign countries" in which the unlicensed patent application material was filed and the respective filing dates. Although 37 C.F.R. § 5.25 is silent regarding PCT applications, it should be noted that PCT/JP03/10474 contains the subject matter of the above-identified U.S. patent application and was filed on August 19, 2003. Any statements in this petition equally apply to PCT/JP03/10474 as they do to the applications filed in the foreign countries.

Europe²

March 17, 2005

India

March 17, 2005

The verified statement required under 37 C.F.R. § 5.25(a)(3) is attached hereto and demonstrates that the subject matter in question was not under a secrecy order at the time of the filings abroad, that the subject matter in question is not currently under a secrecy order, that a license was diligently sought after discovery of the proscribed foreign filing, and that patent applications containing the subject matter in question were filed abroad through error and without deceptive intent.

Accordingly, Applicants respectfully request the granting of a retroactive foreign filing license for the subject matter contained in U.S. Patent Application No. 10/524,621.

Please deliver the requested license to the petitioner, as follows:

Frank J. Jordan
Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

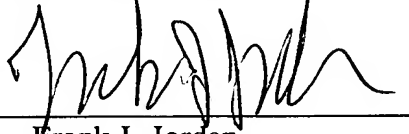
The fee of \$130.00 for the petition under 37 C.F.R. § 1.17(h) is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

² Designated States: DE, FR, GB, and BE.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By 

Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

enc: Declaration of Mr. Susumu Kohori

Docket No. F-8591

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
Filed : March 17, 2005
For : ANTI-ALUMINA-BUILDUP REFRACTORIES
FOR CASTING NOZZLES
Group Art Unit :
Examiner :
Confirmation No. :
Customer No. : 000028107

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Alexandria, VA 22313-1450

**DECLARATION OF MR. SUSUMU KOHORI IN SUPPORT OF
PETITION FOR RETROACTIVE FOREIGN FILING LICENSE**

Mr. Susumu Kohori hereby declares as follows:

1. I am a Japanese citizen residing at 18-10, Tani 2-chome, Chuo-ku, Fukuoka-shi, Fukuoka 810-0031 Japan. I am a patent attorney employed by the Eiwa Patent Firm, which is located in Fukuoka, Japan.
2. On August 20, 2002, February 16 and 18, 2005, and March 17, 2005, I filed, caused, or authorized to be filed patent applications in Japan, Korea, China, Mexico, Brazil, Europe, and India ("the foreign countries") containing the subject matter of U.S. Patent Application No. 10/524,621, having a filing date of March 17, 2005. These patent applications contain material that may have been partially invented in the United States.
3. To the best of my knowledge, the material contained in the patent applications filed in the foreign countries was not under a secrecy order when the filings took place and is not currently subject to a secrecy order under 35 U.S.C. § 181¹.

¹ I am not aware of any orders by either the Commissioner of Patents or any department or agency of the United States designating the material of the patent applications filed in the foreign countries as subject to secrecy.

4. At the time the patent applications were filed in the foreign countries, I was unaware of the requirement to obtain a foreign filing license before filing any patent application outside of the United States containing the subject matter of U.S. Patent Application No. 10/524,621. The filing of the patent applications in the foreign countries without a foreign filing license was done through error and without deceptive intent on my part.
5. On March 4, 2005, legal counsel in the United States requested from me information in order to be able to determine whether a retroactive foreign filing license was necessary for the subject matter of U.S. Patent Application No. 10/524,621 and information necessary to obtain a retroactive foreign filing in case one would be needed.
6. I diligently obtained the information requested by U.S. counsel and, on March 24, 2005, provided U.S. counsel information to enable U.S. counsel to determine whether a retroactive foreign filing license was necessary for the subject matter of U.S. Patent Application No. 10/524,621 and information necessary to obtain a retroactive foreign filing license in case one would be needed.

7. On April 4, 2005, U.S. counsel informed me that a retroactive foreign filing license was required for the subject matter of U.S. Patent Application No. 10/524,621.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: Susumu Kohori Date: 10 MAY. 2005
Mr. Susumu Kohori